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Please respond to
Gladys Battle

To

cc

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Subject ALL EMPLOYEE MESSAGE Nationwide - Additional Holiday
Guidance

(Note to Supervisors: Please ensure employees without e-mail access receive a paper copy of this message.)

November 29, 2005

Memorandum

To: All Department Employees

From: Scott J. Cameron - *Scott J. Cameron*
Deputy Assistant Secretary – Performance, Accountability, and
Human Resources

Subject: Additional Holiday Guidance

I would like to take this opportunity to wish each and every one of you a very merry and safe holiday season. Every year at this time many of us will be participating in holiday celebrations and activities occurring in and out of the office. As a result, the Departmental Ethics Office generally receives a number of questions from employees on the appropriateness of certain holiday activities.

Therefore, in anticipation of the more common questions received by the Departmental Ethics Office, I have provided you with a summary of the rules governing various holiday activities.

Holiday Decorations

The Comptroller General has ruled that agencies may expend appropriated funds for reasonable seasonal decorations. Expenditures for seasonal decorations within the Department should be limited to those for use in the main entrances to the Departmental buildings, or the Departmental work areas where the buildings are shared. Decorations should not endorse, nor appear to endorse, any particular religious or political belief. Expenditures are not authorized for decorating private areas or areas where the benefit is primarily for the employees who work in that area.

Appropriated funds may not be used to purchase decorations of a religious nature for private office space nor for common areas, however employees may decorate their own office areas, if they purchase these decorations with their own funds. Such decorations may reflect the individual's cultural or religious beliefs (for example, a Christmas tree, a depiction of St.

Nicholas, a Menorah, or a Mkeka and Kinara), provided that such decorations do not interfere with the accomplishment of the Department's official responsibilities.

Alcohol

The authority to permit the use of alcohol in the Main Interior or the South Interior buildings rests with the NBC's Division of Facilities Management Services (DFMS). Contact DFMS at 202 208-4412, or the NBC Special Events Office at 208-7182 to request a waiver to the alcohol beverage prohibition.

Acceptance of Gifts

1. Gifts from non-Federal sources.

As a general rule, Department employees may not, directly or indirectly, solicit or accept a gift from a prohibited source (e.g. person or organization that has or seeks business dealings with the Department); or given because of the employee's official position.

There are exceptions to this rule. For example, employees may accept gifts from a prohibited source having a market value of \$20 or less per occasion, provided that the aggregate market value of individual gifts received from any one entity does not exceed \$50 in a calendar year.

Employees may accept gifts given under certain circumstances which make it clear that the gift is motivated by a family relationship or personal friendship rather than the employee's official position. When the donor of the gift is a personal friend or family member and also a prohibited source, it is appropriate to seek specific advice from an ethics counselor as to whether the gift should be accepted. In making this determination, the counselor will look to the history of the relationship and who is paying for the gift (the individual or the company). At no time should an employee accept a gift of cash, stocks, or bonds from a non-Federal source.

Additionally, gifts of perishable items from an outside source (a fruit basket, smoked salmon, cakes, etc.) may be accepted as long as the perishable items are shared within the office or otherwise appropriately disposed of with the approval of your supervisor or servicing ethics official.

There are other exceptions to the gift rules. For additional information about exceptions to the general prohibitions regarding gifts from non-Federal sources, employees should refer to the Department's Ethics web site at: www.doi.gov/ethics.

2. Gifts between employees.

Generally, the gift rules prohibit an employee from:

- Giving, donating to, or soliciting contributions for, a gift to an official superior; and
- Accepting a gift from another employee who receives less pay.

There are exceptions to this rule, such as when the two employees are not in an official subordinate-superior relationship and when there is a personal relationship between the two employees that would justify the gift.

There also is an exception for occasional gifts given to an official superior or accepted from a subordinate or other employee receiving less pay, if the gift is not cash or other form of money and has a market value of \$10 or less per occasion.

Also traditional gifts of hospitality provided at a residence (such as a bottle of wine as a house warming gift), may be given even if the value of the gift is over \$10.

Gift certificates that are given to an employee should not at any time be exchanged for cash. For more information on the rules and exceptions for gift giving, employees are encouraged to visit the Department's Ethics web site at: www.doi.gov/ethics.

Soliciting Contributions for Holiday Parties

Employees may solicit voluntary contributions of nominal amounts from fellow employees and contractors working alongside federal employees in the office on an occasional basis for items such as food and refreshments to be shared. It is important to note that a contribution is not voluntary unless it is made in an amount determined by the contributor. Regulations issued by the U.S. Office of Government Ethics require a statement that an contributor may choose to contribute less, or not at all, to accompany any recommendation of an amount to be contributed.

Remember, such contributions should be voluntary, and an employee who declines to contribute should not be excluded from a holiday celebration that is held in the office during business hours

Holiday Cards

The purchase, printing and delivery of holiday cards may not be done at the Government's expense.

The distribution of holiday cards has long been considered to be a personal rather than an official function. Accordingly, holiday cards may not be sent in Government envelopes or using the Department's internal mail system.

Business Related Parties and Related Events

During the holiday season, some employees may be invited as guests to parties or related events that are sponsored by persons or organizations that have or plan to have business dealings with the Department. In such cases, employees may attend the party or related event if:

- They have the approval of their supervisor; and
- The gift of food, beverage, and entertainment does not exceed \$20 in value for each event.

Employees may also accept the gift of free attendance from a sponsor of a widely attended holiday event, with prior supervisory and ethics approval (documented on Form DI-1958), when it has been determined that the employee's attendance at the event will be in the interest of the Department because it will further enhance the Department's programs and operations.

An event is considered widely attended if, for example, it is open to members from throughout a given industry or profession or if those in attendance represent a wide range of views.

Ethics Counselors approving an employee's Form DI-1958 should ensure that the employee's acceptance of a gift of free attendance to a widely attended event from a non-sponsor of the event does not exceed \$305 and that more than 100 people are expected to attend the event. Form DI-1958 may be downloaded from the Department Ethics Office Web Site at: www.doi.gov/ethics.

Special Issues Relating to Contractor and other Non-Governmental Personnel

While employees working side-by-side with contractors in the Federal workplace becomes increasingly common, it is important to remember that contract employees are not subject to the same ethics rules as are Federal employees.

Federal employees should remember that the ethics rules remain in place regarding contract personnel even during the holiday season.

Contract personnel may attend government official social functions provided that the contract personnel do not bill the government for the hours spent at the social gathering. If contract personnel use their own time to attend a government social gathering, or if the underlying contract does not include hourly billing, then contract personnel may attend government social functions. Further if it has been fully documented that a Government purpose is being served, the time spent at the social function by the contractor personnel may be paid by the Government.

Federal employees should remember that contractors are a prohibited source and therefore all applicable regulations concerning the employees' interaction with a prohibited source, as mentioned above, should be followed. In addition, non-governmental personnel such as grantees, partners, detailees from state governments and other invited guests may attend government social functions as long as there is no additional cost to the Government.

For any additional guidance regarding ethics related matters, please contact the Departmental Ethics Office on (202) 208-7960.